PB89-188551

Local Implementation by New England Municipalities of the Emergency Planning and Community Right-To-Know Act of 1986 (Title 3 of SARA) (Superfund Amendments and Reauthorization Act)

John F. Kennedy School of Government, Cambridge, MA

Prepared for:

Environmental Protection Agency, Washington, DC

1988

U.S. Department of Commerce
National Technical Information Service
NTIS

272 - 101

REPORT DOCUMENTATION PAGE	1.REPORT NO. 600/9-89/037	2.	3 PB89-186551

4. Title and Subtitle
Local Implementation By New England Municipalities of the Emergency Planning and Community RIght-To-Know Act 1986 (TITLE III of SARA)

5. Report Date
Completed Fall 1988

6.

7. Author(s)
Zach Church, Graduate Student

8. Performing Organization Rept. No.

9. Performing Organization Name and Address
Kenedy School of Government
Harvard University
Cambridge, MA 02183

10. Project/Task/Work Unit No.

11. Contract(C) or Grant(G) No.
(C)
(G) U913005-01--0

12. Sponsoring Organization Name and Address
U. S. Environmental Protection Agency
Office of Cooperative Environmental Management
499 South Capitol Street, SW A101-F6
Washington, DC 20460

13. Type of Report & Period Covered
Technical Report

14.

15. Supplementary Notes

16. Abstract (Limit: 200 words)

4204 LOCAL IMPLEMATATION BY NEW ENGLAND MUNICIPALITIES OF THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986 (TITLE III OF SARA)

This report is part of the National Network for Environmental Management Studies (NNEMS) under the auspices of the Agencywide Technology Transfer Staff of the Environmental Protection Agency.)

This report, based on 16 interviews with 16 Local Emergency Planning Committee (LEPC) Chairs and other officials in New England communities, assesses the implementation of Title III of the Superfund Amendments and Reauthorization Act (SARA) at the local level. The local emergency planning districts surveyed for this report, selected primarily from the EPA's "Priority Planning Districts," represent every major type of community. Topics covered by the report include the scope of emergency planning, public and industrial participation, and the role of the EPA.

17. Document Analysis a. Document Descriptors

b. Identifier's/Open-Ended Terms

c. COSATI Field/Group

REPRODUCED BY
U.S. DEPARTMENT OF COMMERCE
NATIONAL TECHNICAL INFORMATION SERVICE
SPRINGFIELD, VA. 22161

18. Availability Statement	19. Security Class (This Report) Unclassified	21. No. of Pages 42
	20. Security Class (This Page) Unclassified	22. Price

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4204-88
Final

Local Implementation By New England Municipalities of the Emergency Planning and Community Right-To-Know Act of 1986 (TITLE III of SARA)

A Report Prepared for Tom D'Avanzo and Ray DiNardo,
Environmental Protection Agency, Region I

By: Zach Church
NNEPS Fellow
Kennedy School of Government
August 25, 1988

Disclaimer

This report was furnished to the U. S. Environmental Protection Agency by the graduate student identified on the cover page, under a National Network of Environmental Policy Studies fellowship.

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EXECUTIVE SUMMARY

o This report, based on interviews with 16 LEPC Chairs and other officials in New England communities, assesses the implementation of Title III of SARA at the local level. The local emergency planning districts surveyed for this report, selected primarily from the EPA's "Priority Planning Districts," represent every major type of community. Topics covered by the report include the scope of emergency planning, public and industrial participation, and the role of the EPA.

o Title III of SARA is a law which requires local communities to prepare emergency response plans based on information submitted by facilities within the community. Facilities covered by Title III are required to notify the LEPC whenever a hazardous chemical is accidentally released into the environment, and must also report routine releases of toxic substances subject to Section 313.

o Nearly all local communities are adequately prepared for hazardous emergencies, based on Title III and previous emergency preparedness planning. LEPC Chairs find that Title III has increased community safety because the process has enabled local agencies and facilities to develop a more comfortable and productive working relationship. Most smaller residential towns are doing very little emergency planning, but large, industrial cities have generally done a lot of planning.

o Participation by key local officials is the most important element of successful emergency planning. Emergency planning is effective wherever one or more people have been able to organize and motivate others to make a contribution.

o Local facilities are cooperative with emergency planning wherever they are contacted directly by their LEPC. There is a serious problem of non-compliance wherever there has been no local effort, because many facilities aren't aware of what the law requires them to do. Representatives from local facilities make important contributions to local emergency planning, and some help respond to accidents at other locations.

o Citizens and community groups have not played a major role in the implementation of Title III. Despite moderate public outreach, non-LEPC members rarely attend committee meetings or request access to public information about local facilities.

o Most LEPC officials are familiar with Section 313, but there is considerable confusion about the uses and limitations of this information. Section 313 will provide some information which can be used for emergency planning, and may be used to advise sensitive populations about potential threats to their health. Local officials will have difficulty interpreting Section 313 data without supplementary information from the EPA about the hazards associated with given con n*rations of each chemical,

the specific health effects of each chemical, and about how local conditions like whether and terrain help determine the effect on public health.

o LEPC Chairs communicate with their counterparts within the same state, but situations which call for extensive cooperation between adjacent towns usually result in significant friction.

o Lack of funding is frequently cited as an obstacle to effective emergency planning, but there is no substitute for the process of information sharing and cooperation between people from different local agencies. Because the process uses few resources except for local officials' time, funding would not make a decisive difference for an LEPC unless it was used to hire an experienced planner to motivate other officials.

o LEPC officials welcome almost any federal contact, because it can help draw people's attention to the emergency planning process. The EPA can assist emergency planners by offering to perform sample hazard analyses where emergency planning has not been active, by preparing concise summaries to accompany any new information, by publishing a monthly newsletter with the Regional Response Team, and by working harder to raise public awareness about Title III. On the national level, the EPA could provide assistance by resolving questions of liability which make larger cities and facilities reluctant to help respond to accidents in other places, by allowing local agencies to enforce Title III regulations as agents of the EPA, and by providing grants for computer hardware acquisitions as a reward to LEPCs which submit the most effective plans, if limited funding ever becomes available for Title III.

o State agencies can reduce the burden of local emergency planning by centralizing certain functions, and can also motivate LEPC officials by providing information about a few successful local emergency planning districts within the state.

SECTION ONE: PURPOSE AND INTRODUCTION

The purpose of this report is to assess the implementation of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) at the local level and to examine local emergency planning and community right-to-know activity in New England. The report was conceived by Tom D'Avanzo and Ray DiNardo of the Region I headquarters of the Environmental Protection Agency, and written by Zach Church, a student at the Kennedy School of Government at Harvard University. Funding for this report was provided by the National Network for Environmental Policy Studies, a program within the EPA which sponsors reports for the agency by graduate students studying environmental policy at qualifying institutions.

The report is based on 16 interviews with Local Emergency Planning Committee (LEPC) Chairs and other local officials in the New England states between June 30 and July 19, 1988. The interviews covered major Title III topics including the scope of emergency planning, public and industrial participation, and the role of the EPA. A copy of the questionnaire used for these interviews is included in Appendix 1 (although other issues were discussed as they came up during the course of the interviews), and the results are summarized in Appendix 2.

For some questions, such as those concerning the composition of each LEPC and the existence of operating rules, if any, the information collected is quite definite. However, it was difficult to get precise answers to questions like, "what proportion of the facilities in your area have complied with (Title III emergency planning) requirements?" and, "how many hazardous chemical accidents have you had in this area during the past five years?" Not only do the answers to these questions depend on people's memories, but each official's interpretation of such key terms as "compliance" or "accident" is a little bit different. Finally, the most revealing information come from answers to questions which allowed officials to describe the reasons for their major problems and successes. Most of the conclusions and recommendations in this report come from the answers to this type of question, taken within the context of the broad range of information collected about each LEPC.

How local emergency planning districts were selected for this report:

The procedure used to select the districts surveyed for this report was designed to make a sample reflecting the diversity of communities in New England, but weighted toward cities (mostly industrial) within the EPA's "Priority Planning Districts." The sample is not representative of all New England local emergency planning districts, but each type of district in the sample may be representative of others like it in the region. The districts can be broken down as follows:

Districts that are large central cities:

Boston, MA
Rhode Island District 5 (Providence)
Bridgeport, CT

Districts that contain smaller industrial suburban cities:

Stamford Area (Stamford, Greenwich, New Canaan, and Darien, CT)
Rhode Island District 8 (Warwick, Cranston, East Greenwich, and North Kingstown)
Cambridge, MA

Districts that contain smaller regional cities:

Cumberland County, ME (Portland)
Androscoggin County, ME (Lewiston)
Manchester, NH
Nashua, NH
Chittenden County, VT (Burlington)

Rural or small town districts:

Windsor County, VT
Town of Windsor, CT (Willimantic)
Greenfield, MA

Districts that contain residential suburban towns:

Winchester, MA
Easton, CT

The first twelve districts were chosen from a list of counties within the EPA's "Priority Planning Districts." The two counties with highest priority were selected in states where entire counties are emergency planning districts, while the two most populous cities within the single highest priority county were selected in states with smaller emergency planning districts. Two districts are included from each state to reveal similarities within each state. The remaining four districts were selected to give balance to the sample. The smallest town within the industrial portion of the highest priority county, and the largest city within the least populous county (with the exception of Nantucket and Dukes Counties) were selected in Massachusetts and Connecticut.

Although this is not a random sample, it is valid to make general conclusions from the results of this study based on the rules listed above. An interview was scheduled with an LEPC member at all 16 districts in the original sample, regardless of the officials' enthusiasm for being chosen or the degree of emergency planning that had already taken place in the district.

LOCATION OF LOCAL EMERGENCY PLANNING DISTRICTS SURVEYED

SECTION TWO: SUMMARY OF THE LAW

Title III of SARA creates a process which brings local officials together with representatives from local industry and community groups to prepare emergency plans to respond to accidents involving hazardous materials.

Sections 301-303 establish a State Emergency Response Commission (SERC) within each state, with representatives from state agencies and other officials concerned with emergency preparedness. Each SERC must divide the state into local emergency planning districts and appoint members to Local Emergency Planning Committees (LEPCs). Each LEPC must include elected state and local officials, police, fire, civil defense, environmental, hospital, and transportation officials as well as representatives from facilities subject to the emergency planning requirements, community groups, and the media. Each LEPC must establish rules, give public notice of its activities, prepare an emergency plan by October 17, 1988, and establish procedures for responding to public requests for information. Connecticut, Massachusetts, and New Hampshire designated towns as local emergency planning districts, allowing neighboring districts to merge. Rhode Island divided the state into groups of towns, Maine designated counties as districts, and Vermont divided the state into counties and groups of counties.

Section 304 requires facilities to notify the LEPC(s) affected by any accidental release of a listed CERCLA hazardous substance. Notification must include information about the chemical released, time, approximate amount, and medium into which the release occurred. This requirement forces facilities to better understand the chemicals they use and to employ knowledgeable people capable of acting in an emergency. Transportation accidents must be reported by responsible parties by dialing 911 or the operator.

Sections 311-312 require facilities to prepare materials safety data sheets (MSDS) under Occupational Safety and Health Administration (OSHA) regulations to submit either copies of its MSDSs or a list of MSDS chemicals to the LEPC, the SERC, and the local fire department. All facilities subject to this requirement must also submit Tier I information, listing maximum and average daily amounts and general location of all hazardous chemicals within the facility. The deadline for this information was March 1, 1988, and it must be updated annually thereafter. Whenever requested, facilities must submit Tier II information, a more detailed description of the manner of storage and location within the facility of each chemical.

Section 313 requires facilities that meet certain thresholds to submit additional toxic chemical release forms to the EPA and state officials by July 1, 1988, and annually thereafter. These forms report routine releases of 328 toxic chemicals on an annual basis.

SECTION THREE: RESULTS AND OBSERVATIONS

Are local communities prepared for hazardous emergencies?

Nearly all local communities are adequately prepared to respond to major hazardous materials accidents, based on civil preparedness planning they did before Title III was enacted. Of the 16 LEPCs surveyed for this report, 15 have a procedure to notify agencies responding to a disaster, 16 have located their sensitive populations, 16 can distribute information quickly to the public, and 13 have evacuation routes and procedures. Some cities already have experience responding to natural disasters. Bridgeport, Connecticut, for example, was able to evacuate 40,000 people in six hours in advance of a recent hurricane.

The Title III emergency planning process extends and builds upon other emergency preparedness activities. LEPC Chairs have a mixed view of the results. While officials complain that extensive requirements put a burden on local time and resources, every official interviewed agreed that the product will help them respond quickly and more effectively to hazardous emergencies in the future. Just as important, according to LEPC Chairs, is that the process helps local agencies and industry develop a more comfortable and productive working relationship. The spirit at LEPC meetings is described as informal and cooperative. Fourteen out of the 16 LEPCs surveyed have no rules of operation. It is possible, in addition, that emergency planning will bring enough

attention to the dangers associated with hazardous chemicals that facilities will decide to adopt new safety measures. For all of these reasons, communities are safer as a result of Title III.

Although the majority of the smaller residential towns in the survey have still done very little emergency planning, the large industrial cities are working hard to meet the October 17, 1988 planning deadline. In smaller towns, it is characteristic for LEPCs not to have met very often, for LEPC Chairs to observe that agencies outside of their own have paid little attention to Title III, and for officials to lack specific knowledge about the law's requirements. In most of the larger cities, extensive planning has already taken place, facilities have been contacted directly to boost compliance, and LEPCs are working on sophisticated products which include detailed maps of sensitive populations and potential hazards.

In the Bridgeport and Stamford Area districts, Connecticut, within the region's most industrial county, LEPC officials have put a lot of effort into Title III emergency planning. In places like Cambridge, Massachusetts, Title III has had to compete with other priorities. The city has 19 DNA research laboratories, and scores of other research facilities which present a significant hazard to the community. In Boston, less Title III outreach and planning has been necessary because the fire department already has a computerized data base with information about the locations of some hazardous materials within facilities.

Ten out of the 16 LEPC Chairs surveyed predict that they will have an emergency plan ready by the deadline, but some admit

that their first plan will go no further than to meet the minimum requirements of the law. Officials who expect to keep planning past the deadline estimate that it will take anywhere between six months and five years to develop a comprehensive plan.

With the exception of the residential suburbs, all local emergency planning districts surveyed report adequate training and good equipment to respond to accidents with hazardous materials. The large industrial cities have the best training and equipment. LEPC Chairs are satisfied with their access to specialized training, and officials in districts where responders have less training background list this as a top priority.

It is impossible to prevent every kind of local emergency. Most LEPC Chairs name transportation accidents as their greatest concern, because trucks and trains can carry almost anything and accidents can occur anywhere. The city of Cambridge cannot prevent a major accident in congested Central Square, because all eastbound trucks carrying hazardous materials on Interstate 90 are diverted through that area to avoid downtown Boston. The possibility of having to evacuate apartment buildings, medical facilities, and jails are other major concerns.

Why emergency planning is more successful in some places:

The one important factor behind all successful emergency planning the availability of people who want the process to succeed and who are willing to work to make it happen. Emergency

planning is effective wherever one or more people have been able to organize and motivate others to make a contribution.

One reason that emergency planning is well organized in Providence, Rhode Island is that the city hired an experienced and qualified former state official on a part-time basis to work exclusively as the city's LEPC Chair. In Androscoggin County, Maine, the Emergency Management Director organized the county's LEPC before the state had even designated counties as local emergency planning districts. Knowing of the need to prepare for these types of accidents, he saw Title III as an opportunity to convince officials in his county to take emergency planning more seriously.

Emergency planning has been less successful in places like Greenfield, Massachusetts, where nobody was assigned or assumed the early responsibility to make the process work. The city's Title III forms are still spread among several city agencies. The process also moved slowly until recently in Manchester, New Hampshire, in part because the Deputy Director of Emergency Preparedness, a Fire Department official who tried to convince others to begin the process earlier, was not in a position to make a strong case for the program.

In Nashua, New Hampshire, a community group called "Greater Nashua Citizens Against Toxics" helped implement Title III by convincing the Mayor to form a blue ribbon commission which put the organization of an LEPC on a fast track. The community group also secured a list of local facilities subject to Title III from the state, which was used to send out a mailing explaining the

law's requirements. Facilities in Nashua now have a high rate of compliance with Title III, according to the Mayor's office.

The role of local industry:

Local facilities are cooperative with LEPC officials wherever facilities are contacted in person or through the mail. Facilities appear to respond more readily to local officials than to state or federal agencies. Non-compliance with Title III is a serious problem wherever there has not been a strong local effort to contact facilities. However, LEPC Chairs find that the overwhelming reason for non-compliance is simply that most facilities don't know what is required of them by the law. Overt enforcement is rarely necessary, although the implied threat that the law will be enforced if facilities really refuse to cooperate is probably important.

Larger facilities have a better record of compliance, partially because of access to other sources of information, including parent companies and national associations. In the Bridgeport and Stamford Area districts, Connecticut, where LEPC Chairs claim that all facilities are in full compliance with Title III, there is evidence of strong local organization among facilities as well. Facilities in Bridgeport even provided additional information to the LEPC based on a group decision without being asked by the LEPC Chair.

Most LEPC Chairs value highly the contributions made by facility representatives to their committees, and many facilities

have helped local agencies respond to accidents in other places. LEPCs in Bridgeport, Connecticut, Cambridge, Massachusetts, and Androscoggin County, Maine have all accepted supplies or office support donated by local facilities.

The role of local citizens and community groups:

In spite of the law's intention, citizens and community groups have not played a major role in the implementation of Title III. Except where invited to become committee members, citizens rarely attend public LEPC meetings. Furthermore, Nashua was the only district surveyed where citizens have requested access to public information about local facilities.

LEPC Chairs value the contributions made by members of the public on their committees, particularly those which have special knowledge about engineering or the chemical industry. Members of the public chair the LEPCs for two of the districts surveyed. Community groups represented on LEPCs surveyed include the Sierra Club, the League of Women Voters, the Red Cross, the Salvation Army, local churches, and city-specific environmental groups.

Boston was the only district surveyed where LEPC meetings are heavily attended by members of the public. However, some have an uncooperative point of view which prevents them from adding anything useful to the process, according to the Civil Defense Director.

Most LEPC Chairs expect that more community participation will boost official support for emergency planning, and most have

found time to do some public outreach, including contact with the media and posting of notices in public places. No LEPC Chairs have begun made a major publicity effort, however, although LEPC representatives in Manchester and Nashua, New Hampshire both plan to speak to community groups when time permits.

The local view of Section 313:

Although 13 of the 16 LEPC officials surveyed were found to be familiar with Section 313, including all of the officials from industrial cities, there was considerable confusion about the uses and limitations of this information. Some misunderstandings included the perception that Section 313 would provide more information about the volume of materials processed by facilities and that the information could be used to determine a community's contribution to regional pollution.

Nearly all officials surveyed express interest in Section 313, but for most it is too early to anticipate how this information might be used. Several officials said that facilities in their area indicate that this is the hardest requirement to fulfill in Title III. Some officials question the accuracy of Section 313 information, and most expect that compliance with this requirement will be lower than with the rest of Title III.

LEPC officials say that Section 313 information might make emergency planning a little easier by bringing some attention to facilities with larger emissions of toxic substances, and by

indicating problem areas when the history of the accidents at each facility is compared with emissions data. The information might also aid emergency response by giving Fire Departments some information about basic plant operations. In densely built industrial areas, Section 313 information could indicate what types of emissions are likely to react with a chemical accidentally released from a nearby facility. The information might also be used to advise sensitive populations about potential threats to their health.

Some officials doubt that Section 313 information will be very useful at all. The Androscoggin County Emergency Management Director, who even goes to the effort of encouraging firms in his district to comply with Section 313, says that this requirement diverts attention from the rest of Title III, which he considers to be more important. In Connecticut, by contrast, the Town of Windham LEPC Chair welcomes Section 313 because he has requested this information from local facilities himself in the past.

Many officials would find Section 313 information difficult to interpret without additional explanation. More information could be developed and used alongside Section 313 data, including an explanation of hazards associated with given concentrations of each chemical, the specific health effects of each chemical, and information about how local conditions like weather and terrain help determine the effect on public health. Officials also suggested that the database be organized by street address or by town rather than by state, that the requirement be expanded to

include chemical distributors and farms, and that the EPA hold meetings with local officials to explain the uses of Section 313.

How local emergency planning districts view each other:

LEPC Chairs communicate with their counterparts within the same state, it appears from their knowledge about conditions in nearby districts and from similar answers to certain questions. Most districts surveyed have at least provided information to LEPCs in adjacent districts, but few have coordinated planning with other districts or communicated with LEPCs in other states.

Situations that call for extensive cooperation between adjacent towns usually result in significant friction. Problems may emerge when two cities of comparable size are assigned to the same local emergency planning district. Disagreements slow LEPC meetings in Rhode Island District 8, where officials representing Warwick and Cranston, the district's two largest cities, disagree about the approach to emergency planning. Most of the actual planning is assigned to independent task forces for each city, where officials from both cities insist that their own city is better prepared to respond to an accident than the other.

Other problems may emerge when communities with differing characteristics try to plan together. The LEPC Chair in residential Easton, Connecticut complains that the greatest danger to his population comes from neighboring Bridgeport, where officials have not begun to plan cooperatively. The LEPC Chair in Bridgeport believes that Easton has done almost no emergency

planning on its own, and that the town confidently expects to rely on Bridgeport for help in the event of a major accident.

City officials in Stamford convinced nearby residential towns to merge into one emergency planning district, a decision which the LEPC Chair, based in Stamford, calls a mistake. The Chair believes that Stamford officials have the additional burden of having to do most of the emergency planning for the other towns, where Title III is less of a priority.

In Windsor County, Vermont, by contrast, towns from adjacent counties and even from New Hampshire are represented on the LEPC. These towns have effectively joined the Windsor County emergency planning district, where the process is more active than in surrounding counties. Cooperation works extremely well in this area, where Fire Departments are regularly dispatched across the state boundary.

Lack of funding as an obstacle to emergency planning:

Funding for Title III is a difficult issue, because few resources are actually used for emergency planning other than local officials' time. Even site inspections can be combined with enforcement of the local fire code. Although additional funding could be used to hire an experienced planner to motivate other officials, such a person would have to be available within the community, and there is still no substitute for information sharing and cooperation between people from different agencies. Some officials claim that insufficient funds prevent them from

doing specific things like publishing brochures for the public or improving their information management system, but others expect that local funding will become available once the LEPC has proved it can be productive.

Five out of the 16 LEPC officials surveyed pointed to the need for more funding, preferably federal, but one official said that widespread funding for Title III would be a mistake. It is true that more officials complained about lack of funding in the districts where less emergency planning has already taken place. Federal funding would only result in local attention being diverted from other priorities, according to this official. Instead, he suggests that grants be given for computer hardware acquisitions as a reward to LEPCs which submit the most effective plans, if limited funding ever becomes available.

The role of the EPA and other federal agencies:

Local officials surveyed were satisfied with the federal training and whatever direct EPA assistance they have received, but would appreciate more federal assistance. Almost any federal interest is welcomed because it can help draw people's attention to the emergency planning process. Even the visits for this survey were announced at several LEPC meetings as evidence of federal concern about that particular area. Limited field assistance for LEPCs, which might include doing a sample hazard analysis, was suggested as a way to get the process started in places where emergency planning has not been active.

LEPC officials list improved communication from the EPA as another way the agency could help local emergency planning. Some officials pointed to stacks of unread reports in their office while insisting that there is a real need for concise summaries, timetables and answers to frequently asked questions. One official suggested that the Regional Response Team begin publishing a monthly newsletter to summarize local information and list all new requirements. Other officials suggested that the EPA work harder to raise public awareness about Title III.

Several officials suggested that the federal government resolve questions of liability which make larger cities and facilities reluctant to help respond to accidents in other places. One official suggested that local agencies be given the power to enforce Title III regulations as agents of the EPA. Local officials would be able to initiate their own enforcement actions under this plan, after seeking approval and advice from the EPA. Another suggested that police be trained to enforce federal hazmat regulations for transportation.

The role of the state agencies:

State agencies can reduce the burden of local emergency planning by centralizing certain functions. The Rhode Island SERC, for example, plans to give LEPCs access to a state-wide computer database which will cost planners less money than if every district had to create its own system. The Chairman of the LEPC for the Town of Windham, Connecticut credits the high rate

of compliance in his area to active outreach to facilities by the State Police. SERCs could provide information to LEPCs about successful local emergency planning in the state. This kind of information was requested by several officials surveyed.

State agencies help local communities respond to accidents, but the way assistance is delivered could be improved. An official from the city of Boston pointed out that the state will pay cleanup costs whenever the state Department of Environmental Quality Engineering is called for assistance. As a result, the city can save money by waiting for state personnel to arrive at the scene, even though the delay can make cleanup more expensive.

SECTION FOUR: CONCLUSION AND RECOMMENDATIONS

Based on the findings of this report:

The Region I office of the EPA should:

o send more representatives to observe and advise LEPC meetings in the "Priority Planning Districts." It would not be necessary to spend a lot of time in any one district. EPA representatives should offer to do sample hazard analyses wherever people are having trouble beginning the planning process.

o provide concise summaries, timetables, and answers to frequently asked questions to accompany any new information from the agency.

o work with the Regional Response Team to publish a newsletter summarizing local information and listing all new requirements for LEPCs.

o encourage state and local officials to make a strong effort to contact facilities with information about Title III, offering an opportunity to cooperate rather than confrontation.

o bring highly visible enforcement action against one or more facilities refusing to cooperate with their LEPC in each state.

o work with municipal associations to improve local officials' knowledge about Title III.

o send a mailing to explain the uses and limitations of Section 313 to the Mayors of all towns in the region above a certain minimum population, the minimum level depending on the resources available for the mailing.

o provide LEPCs with advice about how to solicit public participation. A sample press release for use by LEPCs could include a statement about how emergency planning can save lives, information about local facilities, and state and federal contacts.

Nationally, the EPA should:

o resolve the liability questions which make larger cities and facilities reluctant to help respond to accidents in other places.

o adopt a policy which allows qualified local agencies to enforce Title III regulations as agents of the EPA, with the approval and advice of EPA officials.

o release a story about Title III to the national wire services, AP and UPI, on October 17, 1988, to generate attention by smaller newspapers.

o develop information to accompany the Section 313 database which explains the hazards associated with given concentrations of each chemical, specific health effects of each chemical, and information about how local conditions like weather and terrain help determine the effect on public health.

o Distribute money as grants for computer hardware acquisitions to reward LEPCs which submit the most effective plans, if limited funding ever becomes available.

State Emergency Response Committees should:

o work with other state agencies to centralize planning and outreach functions for LEPCs wherever possible.

o share information with LEPCs about other districts in the state where emergency planning has been successful.

APPENDIX 1

TITLE III LEPC QUESTIONNAIRE

LEPC:_____ Date:_____

Official:_____ Population:_____

Title:_____

Address:_____

LEPC ORGANIZATION AND OPERATION:

Chairperson (if different):_____

Title:_____

# of members:_____ # of employees:_____

City representative(s):
Fire department:
Police department:
Civil defense:
Community group(s):
Industry representative(s):
Media:
Mayor's office:
Environmental agency(ies):
Health and Hospitals:
Transportation:

Do you have official rules of operation, such as a charter? What are they?

How do you inform the public of your emergency planning activities? For example, do you work with the media, use press releases, solicit comments on plans, or invite the public to meetings?

What steps have you taken to give the public access to your records?

How are your emergency planning activities funded?

COMPLIANCE AND INFORMATION MANAGEMENT:

Manufacturing facilities in your area were supposed to give submit hazardous chemical inventory forms to you by March, and MSDS forms to you by last October. What proportion of the facilities in your area have complied with these requirements?

Of the facilities that have submitted hazardous chemical inventory forms, what proportion have submitted Tier I information, and what proportion have submitted Tier II information? Have you requested Tier II information from any facilities? For what reason?

What problems have manufacturers in your area brought to your attention about the emergency planning process?

Do you have a list of facility emergency coordinators and their phone numbers?

What kind of information management system are you using to collect and store information for your emergency planning activities? Do you use computers?

Have you coordinated your information management activities with state agencies? How?

TOXIC CHEMICAL RELEASE REPORTING:

Are you aware that manufacturing facilities are also required to submit Toxic Chemical Release Forms, which report annual emissions of certain chemicals into the environment, to the EPA and state officials, beginning July 1, 1988? How was this brought to your attention? Have you heard from local manufacturers about this requirement? From citizens or citizens' groups?

How do you plan to use this information, if at all? Do any local groups plan to use this information, that you know of? Can this information be used for emergency planning?

Can the EPA or state agencies do anything to make this information more useful to you?

SCOPE OF EMERGENCY PLANNING ACTIVITIES:

How many hazardous chemical accidents have you had in this area during the past five years? How serious were they?

What is the geographical area that you considered for your emergency planning activities?

Did you consider the possibility of accidental releases in areas adjacent to the LEPC? Which areas? Are they industrial?

Are you planning for the possibility or transportation accidents in your area? Where? How?

What is your accident notification procedure?

How would you respond in the event of an emergency? Do you have the necessary equipment and protective gear? Have you done any special training for emergency response personnel?

Have you identified sensitive populations (for example, nursing homes or hospitals)?

What are your cleanup and disposal capabilities? Will you use outside contractors or perform these activities with local agencies? At what point would you need to ask for assistance from state or federal agencies?

What would you do to alert the public in the event of an accident involving hazardous chemicals?

Have you established evacuation routes and procedures? What are they?

Will you have an emergency response plan ready by the October 17 deadline, or have you encountered difficulties in the planning process? What difficulties have you encountered?

OTHER INFORMATION:

What technical assistance and training would you like to receive from the EPA or from other federal and state agencies (the SERC, FEMA, the RRT)?

Can you suggest how the EPA might be able to communicate with you and other local officials, other than by direct mail? Are there publications that you can suggest? Associations? Any other ideas?

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Appendix 2

	BOSTON, MA	PROVIDENCE, RI	BRIDGEPORT, CT	STAMFORD AREA, CT
1984 POPULATION:	571,000	157,000	142,000	199,000
PERSON INTERVIEWED:	Paul Cook	Santo Amato	Jonathan Best	Robert Neu
TITLE:	Civil Defense Director	LEPC Chairman	Dir. of Emerg. Services	LEPC Chairman (Volunteer)
DEPARTMENT:	Fire Department	Police/Fire Comm.'s Office	Health Department	Stamford Mayor's Office
LEPC CHAIR(S) IF DIFFERENT:	Leo Stapleton, Fire Commissioner, and Ray Doolie, Mayor's Office			
LEPC MEMBERS:				
Industry	2	15	24	4
Community Grps		2		
Public		3	1	1
Media		1		4
State Reps.				
County/Regional				
Mayor/City Govt	2	1	1	3
Fire	2	1	1	7
Police	1	2	1	1
Civil Defense	1			3
Environ/Parks		1	1	
Pub/Priv Health	2	7	8	5
Transportation	1	3		
Schools		3		
Planning/Bldgs	1	4		
Pub Wks/Utils	1	3	1	1
TOTAL:	14	46	38	30
OPERATING RULES:	no	no	no	no
STAFF/FUNDING:	Fire Dept. time and expenses	Part-time chair paid by the city, support from Pol/Fire Comm.'s Office	Health Dept. time and expenses, PR support from local facilities	Volunteer chair, other members' time, support from Mayor's Office
PUBLIC OUTREACH/ ACCESS TO RECORDS:	published notices, file is organized	citizens picked by city officials, published notices, media coverage, file is organized	media coverage, requests referred to facilities	posted notices, media coverage, requests referred to facilities
PUBLIC INTEREST:	many non-members attend meetings, no requests for information	some non-members attend meetings, no requests for information	no non-member attendance or requests	no non-member attendance or requests
RECENT HAZ. MAT. ACCIDENTS:	many, some minor evacuations	many, some minor evacuations	[illegible] minor evacuations, also a large building collapsed	some, no evacuations

	RHODE ISLAND DISTRICT B	CAMBRIDGE, MA	CUMBERLAND COUNTY, ME	ANDROSCOGGIN COUNTY, ME
1984 POPULATION:	191,000	92,000	224,000	101,000
PERSON INTERVIEWED:	Irving J. Owens	David O'Connor	John True	Peter Gagnon
TITLE:	Fire Chief	Director	Director	Director
DEPARTMENT:	Warwick Fire Department	Emerg. Management Dept.	Emerg. Mangement Agency	Emerg. Management Agency
LEPC CHAIR(S) IF DIFFERENT:				George Boyce, Member of Public
LEPC MEMBERS:				
Industry		9	9	19
Community Grps			3	
Public				3
Media		2	2	2
State Reps.	2	1		1
County/Regional			1	3
Mayor/City Govt		2	1	2
Fire	9	1	1	6
Police		1	3	5
Civil Defense		1	5	2
Environ/Parks		1		2
Pub/Priv Health		4	3	7
Transportation		1		
Schools				
Planning/Bldgs				1
Pub Wks/Utils		1		6
TOTAL:	11	24	28	59
OPERATING RULES:	no	no	no	Statement of Purpose, Right-to-Know Policy
STAFF/FUNDING:	time and expenses from Fire Depts. in all four communities	time from EMD and Fire Dept., support from EMD, funding from city	EMA time and support, other members' time	time and support from EMA, funding from county, donations from facils.
PUBLIC OUTREACH/ ACCESS TO RECORDS:	media coverage, district-wide file is organized in Warwick	published and posted notices, file is accessible but not organized	media coverage, posted notices, file is organized	personal contact, media coverage, file is organized
PUBLIC INTEREST:	no non-member attendance or requests	no non-member attendance or requests	no non-member attendance or requests	no non-member attendance or requests
RECENT HAZ. MAT. ACCIDENTS:	many, many evacuations	many, some minor evacutions	many, some evacuations	uncertain

	MANCHESTER, NH	NASHUA, NH	CHITTENDEN COUNTY, VT	WINDSOR COUNTY, VT
1984 POPULATION:	91,000	68,000	121,000	53,000
PERSON INTERVIEWED:	Harold Adams	Caroline Mason	Robert Yandow	Vikke Jas
TITLE:	Dep. Dir. of Emerg. Prep.	Assistant to the Mayor	Luitenent	Acting LEPC Chair (Vol.)
DEPARTMENT:	Fire Department	Mayor's Office	Essex Police Department	Member of Public
LEPC CHAIR(S) IF DIFFERENT:	Robert DeCotis, Fire Chief	Robert McCann, School Department		
LEPC MEMBERS:				
Industry	2	7	2	
Community Grps	2	1		2
Public	1		7	1
Media	3		2	1
State Reps.	1		1	
County/Regional				1
Mayor/City Govt	2	2		
Fire	3	2	1	5
Police	2	1	1	1
Civil Defense	1	1		1
Environ/Parks				
Pub/Priv Health	4	2	2	1
Transportation	1		1	1
Schools	1	1	1	
Planning/Bldgs				
Pub Wks/Utils				
TOTAL:	23	17	18	14
OPERATING RULES:	no	no	By-Laws	no
STAFF/FUNDING:	Fire Dept. time and expenses	Fire Dept. time and expenses, small grant from the state		members' time and expenses
PUBLIC OUTREACH/ ACCESS TO RECORDS:	citizens picked by city officials, no further outreach, file is not accessible	posted notices, file is organized	published notices, state has records	personal contact, posted notices, state has records
PUBLIC INTEREST:	no non-member attendance or requests	community group prompted formation of LEPC, non-members attend meetings and request information	no non-member attendance or requests	some non-members attend meetings, no requests for information
RECENT HAZ. MAT. ACCIDENTS:	many, some minor evacuations	some, some evacuations	some, many evacuations	some, some minor evacuations

	WINCHESTER, MA	EASTON, CT	TOWN OF WINDHAM, CT	GREENFIELD, MA
1984 POPULATION:	21,000	6,000	20,000	14,000
PERSON INTERVIEWED:	Arthur Montore	Theodore Meyer	John Walsh	Mark Fitzpatrick
TITLE:	Director (Volunteer)	First Selectman	Chief	Personel Officer
DEPARTMENT:	Civil Defense		Fire Department	
LEPC CHAIR(S) IF DIFFERENT:				
LEPC MEMBERS:				
Industry		1	2	5
Community Grps				
Public				
Media			1	1
State Reps.	2		1	
County/Regional				
Mayor/City Govt	2	1	1	4
Fire	1	1	2	1
Police	1	1	1	
Civil Defense	1	1	1	1
Environ/Parks				
Pub/Priv Health	1		1	5
Transportation		1		1
Schools				2
Planning/Bldgs	1			
Pub Wks/Utils			1	1
TOTAL:	9	6	11	21
OPERATING RULES:	no	no	no	no
STAFF/FUNDING:	members' time, support from town	members' time, support from town	members' time, support from Fire Dept., funding from town	Chairman's time and support from his office
PUBLIC OUTREACH/ ACCESS TO RECORDS:	no planning or records	no outreach or records	media coverage, files are organized	published notices, records are accessible but not organized
PUBLIC INTEREST:	no meetings, no requests for information	no non-member attendance or requests	no non-member attendance or requests	no non-member attendance or requests
RECENT HAZ. MAT. ACCIDENTS:	no major accidents	no major accidents	some, some minor evacuations	some, some minor evac... many accidents in nearby Springfield

	BOSTON, MA	PROVIDENCE, RI	BRIDGEPORT, CT	STAMFORD AREA, CT
INDUSTRIAL COMPLIANCE:	low	low	very high	very high
LIST OF FACIL. EMERG. COORDS.:	partial	partial	complete	complete
COMPL.-RELATED OUTREACH:	no major effort	mailing from city civil defense agency, personal contact	personal contact	no major effort
FACILITIES' DIFFICULTIES:	uncertain	most don't know about Title III, one group wanted to report jointly	LEPC provides no planning assistance	uncertain
TIER II FORMS:	have some, will use them	have some, will use them	have most by facilities' group choice, won't use	have most, may use them
LEPC INFORMATION MANAGEMENT:	existing system has haz. mat. locations within facilities on computer	statewide database on computer is planned	file only, may get CAMEO	CAMEO, one fixed and two mobile stations
OBSERVATIONS:	Title III is not a priority; officials may percieve that Fire Dept. is already prepared for emergencies	city is industrial; Title III is a priority for the mayor; LEPC chairman is former state official	city is industrial; LEPC chairman has planning experience, works hard to get cooperation from facilities	Chairman was chem. exec.; high compliance occurred w/o LEPC contact; cities in dist. have difficulty planning together
KNOWLEGE OF SECTION 313:	yes, from forms mailed to them by mistake	yes, from the law	yes, from facilities	yes, from facilities
USE FOR SECTION 313:	of some interest, probably inaccurate	citizen requests, to see how routine releases may affect emergency response	to identify problem areas by comparing throughput with number of accidents	not useful, diverts facil. attention from the rest of Title III
PLANNING WITH OTHER DISTS.:	some contact with industrial neighbors	yes, LEPC Chairman works with counterparts in all surrounding districts	no; surrounding resident. districts want to plan together, but they have done little on their own	some contact, none with New York State
TRANS.-RELATED PLANNING:	all modes, RRs are LEPC's highest priority	all modes, highways are LEPC's highest priority	all modes	all modes, highways are LEPC's highest priority
ACCIDENT NOTIF. PROCEDURE:	Fire Dept. notifies LEPC, but LEPC officials are in Fire Dept. anyway	Police notify LEPC, Chairman may coordinate Fire Dept. response	responders notify LEPC, Chairman may coordinate response	responders notify Emerg. Management Director
RESPONSE CAPABILITY:	Hazmat unit, very well trained personnel	Hazmat unit, well trained personnel	Hazmat unit without best equipment, well trained personnel	Hazmat unit, well trained personnel in Stamford, others less prepared

	RHODE ISLAND DISTRICT 8	CAMBRIDGE, MA	CUMBERLAND COUNTY, ME	ANDROSCOGGIN COUNTY, ME
INDUSTRIAL COMPLIANCE:	moderate	low	moderate	high
LIST OF FACIL. EMERG. COORDS.:	complete	complete	complete	complete
COMPL.-RELATED OUTREACH:	personal contact by fire inspectors in Warwick only	letters to non-complying facilities	letters to non-complying facilities	personal contact, mailing from Chamber of Commerce
FACILITIES' DIFFICULTIES:	deadline too early	only industrial facilities need to report, while labs are more dangerous	uncertain	some don't know enough about Title III
TIER II FORMS:	have some, will use them	have some, will use them	replaced by simpler but more useful form	replaced by simpler but more useful form
LEPC INFORMATION MANAGEMENT:	file cross-referenced by locations only, statewide database is planned, may not have necessary hardware	CAMED	database with facility contact persons and basic information on computer	comprehensive database on computer is planned
OBSERVATIONS:	LEPC work is complicated by major disagreements between Fire Depts. in Warwick and Cranston	Title III has received less attention because labs and biohazards are a greater priority		county is industrial; EMA Director sees Title III as an opportunity to get support for something the county needed anyway
KNOWLEDGE OF SECTION 313:	yes, from state	yes, from the law	yes, from the law	yes, from the law
USE FOR SECTION 313:	could give response personnel some info. about facilities	could be used to check compliance with other regulations	of some interest	LEPC encourages compl.; of some interest, but diverts attention from the rest of Title III
PLANNING WITH OTHER DISTS.:	yes, LEPC Chairman works with counterparts in all surrounding districts	some contact with industrial neighbors	no	some contact
TRANS.-RELATED PLANNING:	all modes	all modes, roads are a major priority	all modes	all modes, RRs are a major priority
ACCIDENT NOTIF. PROCEDURE:	Fire Depts. notify LEPC	Fire Dept. would respond, LEPC would not usually have a role		
RESPONSE CAPABILITY:	Hazmat unit, some training in Warwick, others less prepared	good equipment, well trained personnel	good equipment and training in some cities, others less prepared	good equipment, extensive training done by LEPC

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	MANCHESTER, NH	NASHUA, NH	CHITTENDEN COUNTY, VT	WINDSOR COUNTY, VT
INDUSTRIAL COMPLIANCE:	high	very high	low	low
LIST OF FACIL. EMERG. COORDS.:	partial	complete	partial	partial
COMPL.-RELATED OUTREACH:	no major effort	mailing from city	no major effort	some personal contact
FACILITIES' DIFFICULTIES:	requirements are too complicated, there are too many MSDS forms	uncertain	small facilities don't know about Title III	uncertain
TIER II FORMS:	have some, will use them	have most, will use them	state has records, LEPC will use Tier II forms	state has records, LEPC will use Tier II forms
LEPC INFORMATION MANAGEMENT:	file only	CAMEO	printout from state only	printout from state only
OBSERVATIONS:	Dep. Dir. of Emerg. Prep. may lack clout to make Title III the priority he thinks it should be	community group did early work and convinced city officials to make Title III a priority; accident occurred during planning		citizens are concerned about the environment and familiar with self-government, but have been slow to organize
KNOWLEGE OF SECTION 313:	no	yes, from the community group	yes, from the law	yes, from the law
USE FOR SECTION 313:	of some interest	of some interest	for citizen requests	of some interest
PLANNING WITH OTHER DISTS.:	extensive cooperation	some contact, none with Massachusetts	no, but population is concentrated near center of the county	extensive cooperation, even with New Hampshire
TRANS.-RELATED PLANNING:	all modes	all modes, are LEPC's highest priorities	all modes	all modes, are LEPC's highest priorities
ACCIDENT NOTIF. PROCEDURE:	Fire Dept. notifies LEPC if necessary	Police respond, notify Fire Dept.	Police or Fire Dept. notifies LEPC if necessary	Fire Depts. respond, wouldn't notify LEPC
RESPONSE CAPABILITY:	good equiptment, some training	some equiptment, some training	good equiptment and training in some cities, others less prepared	limited training, private firms called in to respond

	WINCHESTER, MA	EASTON, CT	TOWN OF WINDHAM, CT	GREENFIELD, MA
INDUSTRIAL COMPLIANCE:	none subject	low	high	uncertain
LIST OF FACIL. EMERG. COORDS.:	unnecessary	complete, one facility	complete	partial
COMPL.-RELATED OUTREACH:	unnecessary	unsuccessful negotiation with the one subject facility	mailing from State Police, Fire Marshall's Division	no major effort
FACILITIES' DIFFICULTIES:	not applicable	uncertain	uncertain	uncertain
TIER II FORMS:	not applicable	don't have, unsure if useful	have some, may use them	have some, will use them
LEPC INFORMATION MANAGEMENT:	file only	file only	some haz. mat. locations within facilities on computer	spread among city agencies, will be centralized in Fire Dept.
OBSERVATIONS:	no meeting yet; Title III is not a priority	Bridgeport and Stamford officials dispute claim that town has no hazards, say Easton will rely on neighbors in emergency		Springfield accidents make emergency planning a concern, but effort has been sporadic
KNOWLEGE OF SECTION 313:	no	yes, from the law	yes, from the law	no
USE FOR SECTION 313:	of some intrest	to get information about surrounding towns	could indicate facilities more prone to accidents	not useful
PLANNING WITH OTHER DISTS.:	no	some contact, but Bridgeport hasn't been cooperative	some contact	no
TRANS.-RELATED PLANNING:	all modes, RRs are LEPC's highest priority	roads only, are LEPC's highest priority	all modes	all modes
ACCIDENT NOTIF. PROCEDURE:	no procedure	town switchboard notifies all responders		Police and Fire Depts. respond, LEPC is inactive
RESPONSE CAPABILITY:	poor equiptment and training	poor equiptment and training	good equiptment, well trained personnel	good equiptment and training

	BOSTON, MA	PROVIDENCE, RI	BRIDGEPORT, CT	STAMFORD AREA, CT
IDENTIFIED SENSIT. POPS.:	yes, Fire Dept. has	yes	yes	yes
PUBLIC NOTIF. PROCEDURE:	radio, TV, has radio, automatic dialing	radio, TV	radio, TV, individually operated fixed sirens	radio
EVACUATION PLAN:	downtown only	two, Fire and Pol. plans	yes	yes
CLEANUP/DISPOSAL PROCEDURE:	state DEQE is slow but will pay for cleanup if called to respond, city usually waits although problem gets worse	city has no capability, EPA does cleanup/disp.	done by private firms located within city	city pays unless state DEP is called to respond, priv. firm does clean./disp., responsible part, reimburses paying agency
PLAN BY OCT. 17:	yes, minimal	yes, minimal	probably not	yes, minimal
PLANNING DIFFICULTIES:	federal/state delays, hard to motivate facilities when oil industry gets political exemption	too little time	too little time	too little time
HOW EPA CAN HELP:	uncertain	the mandate helps already, more publicity	give local agencies the power to enforce laws as agents of the EPA	limit liability in mutual aid agreements, respond to mail requests faster

	RHODE ISLAND DISTRICT 8	CAMBRIDGE, MA	CUMBERLAND COUNTY, ME	ANDROSCOGGIN COUNTY, ME
IDENTIFIED SENSIT. POPS.:	yes	yes	yes	yes
PUBLIC NOTIF. PROCEDURE:	radio, TV	radio	cities go to media directly	radio, TV
EVACUATION PLAN:	no	yes	yes	partial
CLEANUP/DISPOSAL PROCEDURE:		done by city	done by each city unless very serious	done by each city, cities aid each other, LEPC may coordinate
PLAN BY OCT. 17:	maybe	yes, minimal	yes	yes, began before state
PLANNING DIFFICULTIES:	Warwick-Cranston disagreements	federal/state delays, too little time	hard to get support from cities and to bring cities and facilities together	federal/state delays, too little time, hard to get support from cities
HOW EPA CAN HELP:	simplify documents, limit liability in mutual aid agreements, some field assistance	distribute one comprehens. source of regional info., train local police to enf. mat. trans. regs.	more publicity,, clearer information, consult with local officials before making decisions	simplify documents, some field assistance, grants for computer hardware to reward LEPCs with best planning records

	MANCHESTER, NH	NASHUA, NH	CHITTENDEN COUNTY, VT	WINDSOR COUNTY, VT
IDENTIFIED SENSIT. POPS.:	some	yes	yes	yes
PUBLIC NOTIF. PROCEDURE:	radio, TV, has radio	radio, TV, has radio, fixed sirens	radio, TV, some fixed sirens	each town operates individually
EVACUATION PLAN:	partial	yes	no	each town has own plan
CLEANUP/DISPOSAL PROCEDURE:	done by private firm	done by private firm, considered too hazardous by Fire Dept.	done by each town and by responsible parties	done by private firm
PLAN BY OCT. 17:	maybe	yes, began before state	maybe	maybe
PLANNING DIFFICULTIES:	MESS forms too varied, hard to motivate people	federal/state delays	not enough state support, hard to motivate people	not enough state support, liability prevents firms from offering more help
HOW EPA CAN HELP:	the mandate helps already, more publicity	simplify documents	some field assistance, more publicity	send representatives to observe meetings

	WINCHESTER, MA	EASTON, CT	TOWN OF WINDHAM, CT	GREENFIELD, MA
IDENTIFIED SENSIT. POPS.:	yes, Fire Dept. has	yes	some	some
PUBLIC NOTIF. PROCEDURE:	radio, TV	police vehicles only	radio, TV	radio
EVACUATION PLAN:	yes	partial	yes	no
CLEANUP/DISPOSAL PROCEDURE:	uncertain	Bridgeport Hydraulic Co. would respond in their watershed, which covers most of Easton	state DEP always called to respond	done by city unless state DEQE is called to resp.
PLAN BY OCT. 17:	maybe	yes	yes	yes
PLANNING DIFFICULTIES:	LEPC hasn't met yet, hard to motivate people	none given	requirements are unnec. complicated, hard to motivate people	none given
HOW EPA CAN HELP:	uncertain	simplify documents	train LEPC Chairmen to respond to major incidents, train local police to enf. material trans. regs., more publ.	uncertain